

NATIONAL SECURITY ACT OF 1947

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

That this Act may be cited as the "National Security Act of 1947". [This statement of the short title is part of the first section of the Act of July 26, 1947, ch. 343, 61 Stat. 495. The remainder of that section is the table of contents, which is omitted as covered by the table of contents set forth at the beginning of this committee print.]

DECLARATION OF POLICY

SEC. 2. In enacting this legislation, it is the intent of Congress to provide a comprehensive program for the future security of the United States; to provide for the establishment of integrated policies and procedures for the departments, agencies, and functions of the Government relating to the national security; to provide a Department of Defense, including the three military Departments of the Army, the Navy (including naval aviation and the United States Marine Corps), and the Air Force under the direction, authority, and control of the Secretary of Defense; to provide that each military department shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense; to provide for their unified direction under civilian control of the Secretary of Defense but not to merge these departments or services; to provide for the establishment of unified or specified combatant commands, and a clear and direct line of command to such commands; to eliminate unnecessary duplication in the Department of Defense, and particularly in the field of research and engineering by vesting its overall direction and control in the Secretary of Defense; to provide more effective, efficient, and economical administration in the Department of Defense; to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces but not to establish a single Chief of Staff over the armed forces nor an overall armed forces general staff. [Section 2, Act of July 26, 1947, ch. 343, 61 Stat. 496, as amended by section 2, Department of Defense Reorganization Act of 1958, 72 Stat. 514; 50 U.S.C. 401.]

TITLE I—COORDINATION FOR NATIONAL SECURITY

NATIONAL SECURITY COUNCIL

SEC. 101. (a) There is hereby established a council to be known as the National Security Council (hereinafter in this section referred to as the "Council", [The National Security Council was incorporated

into the Executive Office of the President by Reorganization Plan No. 4 of 1949, 63 Stat. 1067.]

The President of the United States shall preside over meetings of the Council: *Provided*, That in his absence he may designate a member of the Council to preside in his place.

The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security.

The Council shall be composed of—

- (1) the President;
- (2) the Vice President;
- (3) the Secretary of State;
- (4) the Secretary of Defense;

(5) [Formerly the Director for Mutual Security. All the functions of the Director for Mutual Security, including his functions as a member of the National Security Council, were transferred to the Director of the Foreign Operations Administration by section 2(a), Reorganization Plan No. 7 of 1953, 67 Stat. 640. The office of Director of the Foreign Operations Administration and the functions of the Director in his capacity as a member of the National Security Council were abolished by section 303, Executive Order No. 10610, May 9, 1955, implementing section 525, Mutual Security Act of 1954, 68 Stat. 856.]

(6) [Formerly the Chairman of the National Security Resources Board. Most functions of the Chairman, including his functions as a member of the National Security Council, were transferred to the Director of the Office of Defense Mobilization by section 2(a), Reorganization Plan No. 3 of 1953, 67 Stat. 634. The functions of the Director of the Office of Defense Mobilization as a member of the National Security Council were transferred to the Director of the Office of Defense and Civilian Mobilization by section 4, Reorganization Plan No. 1 of 1958, 72 Stat. 1800. The title of this office became Director of the Office of Emergency Planning by the first section of the Act of September 22, 1961, Public Law 87-296, 75 Stat. 630.]; and

(7) the Secretaries and Under Secretaries of other executive departments and of the military departments, when appointed by the President by and with the advice and consent of the Senate, to serve at his pleasure. [The former memberships of the Chairman of the Munitions Board and of the Chairman of the Research and Development Board terminated when those offices were abolished by section 2(b), Reorganization Plan No. 6 of 1953, 67 Stat. 638.]

(b) In addition to performing such other functions as the President may direct, for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Government relating to the national security, it shall, subject to the direction of the President, be the duty of the Council—

- (1) to assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security, for the purpose

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of making recommendations to the President in connection therewith; and

(2) to consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security, and to make recommendations to the President in connection therewith.

(c) The Council shall have a staff to be headed by a civilian executive secretary who shall be appointed by the President, and who shall receive compensation at the rate of \$_____ a year. [The compensation of the Executive Secretary of the National Security Council is now governed by section 105 of title 3, United States Code, which authorizes the President to fix rate of basic compensation of the Executive Secretary at a rate not to exceed that of level II of the Federal Executive Salary Schedule (\$30,000). See section 5313 of title 5, United States Code.] The executive secretary, subject to the direction of the Council, is hereby authorized, subject to the civil-service laws and the Classification Act of 1949, as amended, to appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

(d) The Council shall, from time to time, make such recommendations, and such other reports to the President as it deemed appropriate or as the President may require. [Section 101, Act of July 26, 1947, ch. 343, 61 Stat. 496, as amended by section 3, National Security Act Amendments of 1949, 63 Stat. 579, and section 501(e)(1), Mutual Security Act of 1951, 65 Stat. 378; 50 U.S.C. 402.]

CENTRAL INTELLIGENCE AGENCY

SEC. 102. (a) There is hereby established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence who shall be the head thereof, and with a Deputy Director of Central Intelligence who shall act for, and exercise the powers of, the Director during his absence or disability. The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate, from among the commissioned officers of the armed services, whether in an active or retired status, or from among individuals in civilian life: *Provided, however,* That at no time shall the two positions of the Director and Deputy Director be occupied simultaneously by commissioned officers of the armed services, whether in an active or retired status.

(b)(1) If a commissioned officer of the armed services is appointed as Director, or Deputy Director, then—

(A) in the performance of his duties as Director, or Deputy Director, he shall be ~~subject to no supervision, control, restriction,~~ or prohibition (military or otherwise) other than would be operative with respect to him if he were a civilian in no way connected with the Department of the Army, the Department of the Navy, the Department of the Air Force, or the armed services or any component thereof; and

(B) he shall not possess or ~~exercise any supervision, control,~~ powers, or functions (other than such as he possesses, or is authorized or directed to exercise, as Director, or Deputy Director) with respect to the armed services or any component

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thereof, the Department of the Army, the Department of the Navy, or the Department of the Air Force, or any branch, bureau, unit, or division thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1), the appointment to the office of Director, or Deputy Director, of a commissioned officer of the armed services, and his acceptance of and service in such office, shall in no way affect any status, office, rank, or grade he may occupy or hold in the armed services, or any emolument, prerequisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissioned officer shall, while serving in the office of Director, or Deputy Director, continue to hold rank and grade not lower than that in which serving at the time of his appointment and to receive the military pay and allowances (active or retired, as the case may be, including personal money allowance) payable to a commissioned officer of his grade and length of service for which the appropriate department shall be reimbursed from any funds available to defray the expenses of the Central Intelligence Agency. He also shall be paid by the Central Intelligence Agency from such funds an annual compensation at a rate equal to the amount by which the compensation established for such position exceeds the amount of his annual military pay and allowances. [The compensation of the Director of Central Intelligence is \$30,000 (5 U.S.C. 5313(15)) and the compensation of the Deputy Director of Central Intelligence is \$29,500 (5 U.S.C. 5314(36)).]

(3) The rank or grade of any such commissioned officer shall, during the period in which such commissioned officer occupies the office of Director of Central Intelligence, or Deputy Director of Central Intelligence, be in addition to the numbers and percentages otherwise authorized and appropriated for the armed service of which he is a member.

(c) Notwithstanding the provisions of section 6 of the Act of August 24, 1912 (37 Stat. 555), or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission.

(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—

(1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

(2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination

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of such intelligence within the Government using where appropriate existing agencies and facilities:

Provided, That the agency shall have no police, subpoena, law-enforcement powers, or internal-security functions: *Provided further*, That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: *And provided further*, That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure; |||

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more effectively accomplished centrally;

(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

(e) To the extent recommended by the National Security Council and approved by the President, such intelligence of the departments and agencies of the Government, except as hereinafter provided, relating to the national security shall be open to the inspection of the Director of Central Intelligence, and such intelligence as relates to the national security and is possessed by such departments and other agencies of the Government, except as hereinafter provided, shall be made available to the Director of Central Intelligence for correlation, evaluation, and dissemination: *Provided, however*, That upon the written request of the Director of Central Intelligence, the Director of the Federal Bureau of Investigation shall make available to the Director of Central Intelligence such information for correlation, evaluation, and dissemination as may be essential to the national security.

(f) Effective when the Director first appointed under subsection (a) has taken office—

(1) the National Intelligence Authority (11 Fed. Reg. 1337, 1339, February 5, 1946) shall cease to exist; and

(2) the personnel, property, and records of the Central Intelligence Group are transferred to the Central Intelligence Agency, and such group shall cease to exist. Any unexpended balances of appropriations, allocations, or other funds available for such Group shall be available and shall be authorized to be made available in like manner for expenditure by the Agency. [Section 102, Act of July 26, 1947, ch. 343, 61 Stat. 497, as amended by section 4, Act of October 15, 1949, ch. 695, 63 Stat. 880, and the Act of April 4, 1953, ch. 16, 67 Stat. 19; 50 U.S.C. 403.]

OFFICE OF EMERGENCY PLANNING

[Section 103 of the National Security Act of 1947, 61 Stat. 499, provided for a National Security Resources Board. The functions of the National Security Resources Board were transferred to the Chairman of the National Security Resources Board by section 1, Reorganization Plan No. 25 of 1950, 64 Stat. 1280. Reorganization Plan No. 3 of 1953, 67 Stat. 634, abolished the National Security Resources Board, created the Office of Defense Mobilization, and transferred all